

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2708 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ANJANABEN DAVE

Versus

DISTRICT EDUCATION OFFICER

Appearance:

MR Mehta for Mr BP TANNA for Petitioners
SERVED for Respondent No. 1, 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 07/11/96

ORAL JUDGEMENT

By way of this Special Civil Application under Article 226 of the Constitution of India. the petitioners have challenged the orders of transfer from Sajubba Girls High School, Jamnagar to Navagam, Taluka Bhanvad. The say of the petitioners is that the impugned orders of transfer is malafide. The allegations have not been controverted in spite of the fact that Rule was issued as back as in the year 1985. By order dated

16.9.1985, the impugned order is stayed by this Court.

2. There can be no purpose in giving effect to the orders of transfer passed in the year 1985. In view of the fact that the allegations of malafide have gone unrebutted, the interim relief passed by this Court is made absolute.

3. In the result, this Special Civil Application is allowed. The impugned order of transfer is quashed and set aside. Rule made absolute accordingly.

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